

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

B.C. ENTERPRISES, INC.

d/b/a ARISTOCRAT TOWING and

EARNEST A. COOPER, JR.,

Defendants.

CIVIL NO. 2:08cv 590

COMPLAINT

COMES NOW the Plaintiff, the United States of America (hereinafter, the "United States"), and alleges as follows:

1. This action is brought by the United States to enforce the provisions of the Servicemembers Civil Relief Act (hereinafter "SCRA"), 50 App. U.S.C. §§ 501-596.
2. This Court has jurisdiction over this action under 28 U.S.C. § 1331 and 28 U.S.C. § 1345.
3. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) because the events giving rise to the United States' claims occurred in the Eastern District of Virginia, and because the Defendants do business in the Eastern District of Virginia.
4. At all relevant times, B.C. Enterprises, Inc. d/b/a Aristocrat Towing operated an automobile towing and storage business with its principal place of business at 6539 E. Virginia Beach Boulevard in Norfolk, Virginia.
5. At all relevant times, Earnest A. Cooper, Jr. was the Vice-President of B.C.

Enterprises, Inc.

6. B.C. Enterprises, Inc. owns the property on which Aristocrat Towing operates at 6539 E. Virginia Beach Blvd, Norfolk, Virginia.

7. Navy Lieutenant Yahya Jaboori has been an active duty member of the Navy since March 7, 2003.

8. On or about March 28, 2007, Lt. Jaboori went to Iraq to begin a 179 day deployment.

9. Before his deployment to Iraq, Lt. Jaboori parked his black 1991 Acura, vehicle identification number JH4KA7660MC04329, with military parking decals and stickers at Centre Green Condominiums, where he owned and resided in a condominium.

10. On June 6, 2007, Defendants towed the car.

11. On or before July 28, 2007, Defendants sold the vehicle at auction without obtaining a court order.

12. The conduct of Defendants described above constitutes the enforcement of a storage lien on the property or effects of a servicemember during a period of military service of the servicemember without a court order, in violation of Section 537 of the SCRA, 50 App. U.S.C. § 537.

13. Lt. Jaboori has been injured by, and has suffered damages as a result of, Defendants' illegal conduct.

14. Upon information and belief, Defendants may have injured other servicemembers by enforcing storage liens on the vehicles of servicemembers without court orders, in violation of the SCRA. Any such aggrieved persons may have suffered damages as a result of Defendants'

conduct.

15. Defendants' conduct was intentional, willful, and taken in disregard for the rights of Lt. Jaboori and other servicemembers.

WHEREFORE, the United States prays that the Court enter an ORDER that:

1. Declares that Defendants' conduct violated the SCRA;
2. Enjoins Defendants, their agents, employees, and successors, and all other persons in active concert or participation with Defendants, from:
 - a. enforcing a storage lien on any servicemember's property or effects during a period of military service or for 90 days thereafter without a court order in violation of Section 537 of the SCRA, 50 App. U.S.C. § 537.
 - b. failing or refusing to take such affirmative steps as may be necessary to restore, as nearly as practicable, Lt. Jaboori and each other identifiable victim of Defendants' illegal conduct to the position they would have been in but for Defendants' illegal conduct; and
3. Awards appropriate monetary damages to Lt. Jaboori and each identifiable victim of Defendants' violation of the SCRA.

The United States further prays for such additional relief as the interests of justice may require.

The United States requests a trial by jury.


Respectfully submitted,

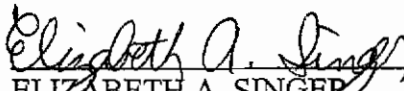
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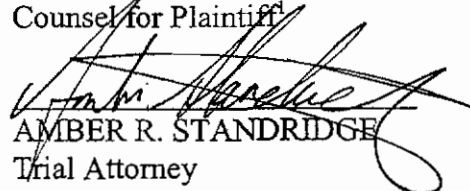
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¹Pro hac vice application pending.

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NORFOLK, VIRGINIA